

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

82244 _ _ _

THIS AGREEMENT is entered into 9 March, 1998, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PHOENIX, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and City Charter, Chapter 2, Section 2, to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The Reach 11 Recreation AREA is a partially developed 1,500 acre regional recreation area that parallels the north side of the CAP Canal. This recreational area however, is situated on Bureau of Reclamation (BOR), owned land that serves first as a flood detention basin for flood protection of the Indian Bend Wash area. Through a lease agreement between the BOR and the City, this flood detention area serves secondarily as a recreational area. The area is largely undeveloped and supports such activities as walking, horseback riding and nature viewing. The City has jurisdiction over Reach 11 recreation uses.

4. Incident to the State's construction of the Pima Freeway, 101L, (Phase A), from I-17 to 56th Street, and the future Squaw Peak traffic interchange, a portion of the Reach 11 Recreation Area, herein referred to as the "Project", is required for the future freeway construction and associated facilities.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 22236
Filed with the Secretary of State
Date Filed: 03/09/98
Peter Gayles
Secretary of State

By: W. O. Greenwood

SCOPE OF WORK

1. The State will:

a. Reimburse the City, \$668,484.00, upon receipt of a right of entry to the land depicted on Attachment "A", attached hereto and made a part hereof, that is presently covered by the City of Phoenix lease, as a one-time cost for compensation for the loss of recreational area in the Reach 11 Area, 140.84 acres, the Project, due to the State's construction of the Pima Freeway (Phase A) from I-17 to 56th Street and the future Squaw Peak traffic interchange.

b. Realign and connect the equestrian/pedestrian trail outside the Project limits, during the construction of the Pima Freeway Phase A contract.

c. Maintain the portion of the Reach 11 facility acquired for the Project.

d. Develop landscape plans for the Project, in coordination with the BOR and City of Phoenix.

2. The City will:

a. Commit to use said funds strictly for the enhancement of the recreational facility in the Reach 11 Area.

b. Prior to receipt of reimbursement by the State, revise its lease agreement with the BOR, to exclude the Project area removed from the Reach 11 Recreation Area. This area is 140.84 acres as depicted on Attachment "A".

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of the work contemplated herein and reimbursements; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of performance, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Department of Transportation
Joint Project Administration
205 South 17 Avenue, MD 616E
Phoenix, AZ 85007

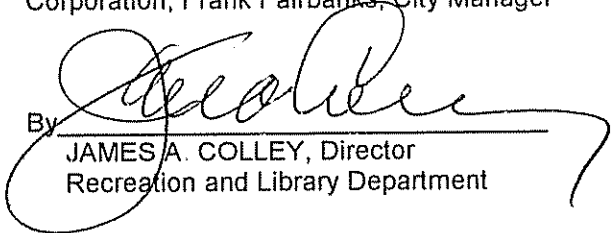
City of Phoenix
Street Transportation Director
200 W. Washington - 5th floor
Phoenix, AZ 85003-1611

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PHOENIX, a Municipal
Corporation, Frank Fairbanks, City Manager

By


JAMES A. COLLEY, Director
Recreation and Library Department


STATE OF ARIZONA
Department of Transportation

By


VICTOR M. MENDEZ
Deputy State Engineer

ATTEST

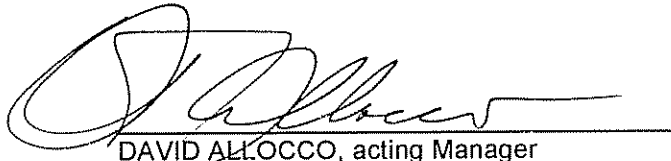
By


VICKY MIEL
City Clerk

RESOLUTION

BE IT RESOLVED on this 19th day of March 1998, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Phoenix for the purpose of defining responsibilities for the portion of the Reach 11 Recreation Area, required for the future Pima Freeway construction and associated facilities from I-17 to 56th Street and the future Squaw Peak traffic.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Director of Transportation for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', written over a horizontal line.

DAVID ALLOCCO, acting Manager
Engineering Technical Group

for MARY E. PETERS, Director

APPROVAL OF THE CITY OF PHOENIX ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF PHOENIX and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 3d day of November, 1997



ACTING City Attorney KTR

CITY OF PHOENIX, ARIZONA
REQUEST FOR COUNCIL ACTION
R:\AGENDA\RCAS\0218RCAS\ADON70 1.W61
Complete this form per O.P. 1.906 and A.R. 4.11.

ACTION REQUESTED Formal Action: Bid Award ☐ License Application ☐ Other ☒
Ordinance ☐ Resolution ☐ Emergency Clause? ☐ (Y/N)

SUBJECT DISTRICT NO. 2 - AGREEMENT BETWEEN A.D.O.T. AND THE CITY OF
PHOENIX FOR MITIGATION FOR CONSTRUCTION OF THE PIMA FREEWAY AND
SQUAW PEAK TRAFFIC INTERCHANGE CROSSING THE REACH 11 RECREATION
AREA

PREPARED BY Name: Kim R. Schneider Phone: 261-8653WP Doc: 98000033.W61
Backup being sent under separate cover? (Y/N) N

RECOMMENDED BY Department Name: Parks, Recreation and Library Department
Date Prepared: 2/12/98 Div. Approval: James P. Burke
Req. Agenda Date: 2/18/98 Dept Approval: James A. Colley
If prepared for a different department:
Dept. Name/Approval: _____

BID AWARD/ FORMAL ACTION Bid Bond Required? ☐ Performance Bond Required? ☐
Submitted By Low Bidder? ☐ Amount? \$ _____
Contract Required? ☐ Requisition No. _____
Contract Amendment? ☐ Current Contract No: _____
Approved by: Ord. ☐ FA ☐ on Date: _____

BUDGET INFORMATION \$ _____ To Be Encumbered? ☐ (Y/N)
Fiscal Year? _____
Source of Funds: _____
Index Code (s): _____
Subobject (s): _____

CITY MANAGER'S OFFICE

Approved by: ck_Tevlin 2/17/98 C.M Control Number 901

CITY CLERK DEPARTMENT

RECORDS SECTION File Number: E-2766/3615/6295 RCA Number: 22791
Ordinance Number: _____ Resolution Number: _____
AGENDA ACTION This item was: Approved
Contract Number (if applicable): 82244
Comments: _____

COUNCIL SUPPORT Agenda Date: 2/18/98 ITEM NUMBER: 70.1

PROPOSED ADD-ON
DATE: February 18, 1998
ITEM: 70.1

DISTRICT NO. 2 - AGREEMENT
BETWEEN A.D.O.T. AND THE CITY OF
PHOENIX FOR MITIGATION FOR
CONSTRUCTION OF THE PIMA FREEWAY
AND SQUAW PEAK TRAFFIC INTERCHANGE
CROSSING THE REACH 11 RECREATION
AREA

Request to authorize the City Manager to enter into an agreement with the State of Arizona through the Arizona Department of Transportation (ADOT) for mitigation in the Reach 11 Area due to the state's construction of the Pima Freeway (Phase A) from I-17 to 58th Street and the future Squaw Peak traffic interchange.

Incident to the state's construction of the Pima Freeway and the future Squaw Peak traffic interchange, a portion of the Reach 11 Recreation Area (140.84 acres), the project, is required for the future freeway construction and associated facilities.

The state will reimburse the city \$668,484 upon receipt of a right of entry to the land as a one-time cost for compensation for the loss of recreational area in the Reach 11 Area due to the freeway construction.

The state will realign and connect the equestrian/pedestrian trail outside the project limits during the construction of the Pima Freeway Phase A contract. The state will maintain the portion of the Reach 11 facility acquired for the project and develop landscape plans for the project in coordination with the Bureau of Reclamation and the City of Phoenix.

The city will commit to use the mitigation funds strictly for the enhancement of the recreational facility in the Reach 11 area.

Prior to reimbursement by the state, the city will revise its lease agreement with the Bureau of Reclamation to exclude the project area removed from the Reach 11 Recreation Area.

RECOMMENDATION

This request bears the recommendation of the Parks, Recreation and Library Director and the Deputy City Manager.

krs/jkg/98000033.w61



GRANT WOODS
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085

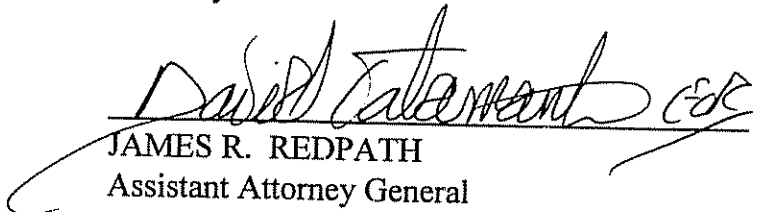
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR97-2265TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE March 9, 1998.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/10935

Enc.